

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING
Council Chambers

APPROVED
October 10, 2013

Meeting called to order at 6:05 p.m.

Board Members Present: Tom Emerson, Mark Alesse, Ann Grinnell, Susan Tuveson,

Members absent: Deborah Driscoll, Bob Melanson

Staff: Gerry Mylroie, Planner

Pledge of Allegiance

Minutes: September 12, 2013; September 26, 2013

Ms. Tuveson moved to approve the September 12, 2013 minutes as submitted

Ms. Grinnell seconded

Unanimous by all members present

Ms. Tuveson moved to approve the September 26, 2013 minutes as submitted

Ms. Grinnell seconded

Unanimous by all members present

Public Comment: There was no public comment.

ITEM 1 – Stone Meadow Cluster Subdivision, Brave Boat Harbor Rd. – Subdivision Preliminary Plan Review. Action: Continue with preliminary plan review, grant or deny preliminary plan approval.

Owner Acadia Trust, N.A, and applicant Harbor Street LP, is requesting approval of their plan for a 27-lot subdivision on a 59.8 acre parcel off Brave Boat Harbor Rd., Tax Map 69, Lot 6, Residential-Rural and Shoreland and Resource Protection Overlay zones. Agent is Jeff Clifford, Altus Engineering, Inc.

Mr. Mylroie explained there is no quorum of Board members for this item, as one member must recuse himself from review. He recommended this be deferred to the December 12, 2013 meeting.

ITEM 2 – Board Member Items:

1. Mr. Alesse noted he sent an email with photos regarding the Kolod property and the trenches on the property. He noted his concern about the large tree along the trenched area. The architect said the tree would not be damaged, but he feels the tree is doomed and he was lied to and he is upset about it. Ms. Tuveson noted the owner is not present for this discussion. Mr. Mylroie stated staff visited the site and the contractor has stopped site work. CMA is in touch with the site designer to assure the work is being done according to plan, specifically providing cross sections for the installation of the permeable pavers. No further site work will be done until this is resolved. Discussion followed regarding the trench, the tree, the process by which the Board should have reviewed the project and what actions they can take in light of the information now before them. Ms. Tuveson noted enforcement is an issue. Mr. Alesse asked that the applicant return to the Board to explain their work and what will be done to protect the tree. Discussion followed regarding Board authority, communication with the Code Enforcement office, and levying of fines. Mr. Mylroie stated a site improvement permit process may address the Board's concerns.
2. Mr. Emerson, Mr. Melanson, and Ms. Grinnell have submitted their paperwork to serve another term on the Board and will be addressed by the Council on October 28.
3. Ms. Tuveson suggested a training session/workshop with the Board, especially for new members.

ITEM 3 – Town Planner Items:

1. The MDOT presentation scheduled for October 24 regarding the traffic circle has been postponed.

2. A meeting on the Sarah Long Bridge landing in Kittery has been tentatively scheduled for 6:00 p.m., Wednesday, November 20 at the Community Center.
3. November 7 meeting will be a joint meeting with the Port Authority and Council to discuss the Shore and Harbor Plan.
4. A Sustain Southern Maine presentation to include the State and Walker area will be held in Biddeford on November 7.
5. November 14 is the regularly scheduled Board meeting.

ITEM 4 - Roylos Development - Land Division – Request for Extension

Action: Consider request and grant or deny extending approved plan expiration. Owners, John and Beth Roylos request a second 6-month extension to their April 2012 approval to divide their property (Map 47 Lot 18-4) located off Haley Road, along Wilson Creek in the Residential Rural (R-RL) Zone, a portion of which is within the Shoreland Overlay Zone.

Mr. Mylroie explained the construction financing is pending and is needed to complete the mitigation and other plan requirements. He stated the first extension was granted to October 13, 2013 with this request extending to April 13, 2014.

Earldean Wells stated the applicant has a violation that has not been corrected. Mr. Roylos stated he is not under violation; the violation was lifted following the planting of saplings that subsequently died. A landscape plan has been submitted and approved, and will be implemented and maintained by a landscape architect. Mr. Mylroie concurred the landscape plan has been approved. Ms. Wells stated Mr. Roylos was in violation, planted the trees, received a letter from the CEO stating he had addressed the violation, then he dug up the trees and put them in pots, and re-contoured the shoreland area, and of the 750 trees only one tree survived. Mr. Roylos stated Ms. Wells was mistaken. The trees were healed in, top soil was brought in, and all the trees were planted, with 100 more purchased.

Ms. Tuveson asked if there is a violation on the property, issued by the CEO. Mr. Mylroie stated there is no violation at this time. Though he is sensitive to Ms. Wells' concerns, without the financing there will be no resolution of the problem.

Ms. Grinnell moved to grant an extension to the November 14 meeting.

Mr. Alesse seconded

Mr. Emerson stated he would have liked documentation in the packet providing a history as it has been a while. Ms. Tuveson noted this has been dealt with and previously resolved, and the issue does not need to be brought up over and over again.

3 in favor; 1 opposed (Tuveson); 0 abstentions

ITEM 5 – Bartlett Hill Multifamily Cluster Subdivision – Acceptance Review of Preliminary Plan

Application Action: Accept or Deny Preliminary Plan Application, schedule a Site Walk and/or a Public

Hearing. Owner and applicant Peter J. Paul Trustee of AMP Realty Holdings LLC, is requesting consideration of plans to develop a multi-family cluster subdivision. The approximately 18 acre parcel is located on a portion of Tax Map 28, Lot 14, in Residential Suburban Zone with portions in the Commercial C-2 zone and Resource Protection Overlay Zone. Agent is Tom Harmon, Civil Consultants.

Mr. Mylroie stated the information is complete and ready for a public hearing.

Ms. Tuveson moved to accept the site plan and schedule a public hearing

Ms. Grinnell seconded

Motion carried by all members present

Mr. Emerson stated the public hearing will most likely be on November 14, 2013.

Ms. Grinnell moved to adjourn
Mr. Alesse seconded
Motion carried unanimously

The Kittery Planning Board meeting of October 10, 2013 adjourned at 7:05 p.m.
Submitted by Jan Fisk, Recorder, October 17, 2013